

Attorneys for Plaintiff  
Elem Indian Colony of Pomo Indians

Timothy W. Bergin (DC No. 249094)  
HALL, ESTILL, HARDWICK, GABLE, GOLDEN  
& NELSON, P.C.  
1120 20th Street, N.W., Suite 700, North Building  
Washington, D.C. 20036-3406  
Telephone: 202-973-1224  
Facsimile: 202-973-1212  
E-mail: tbergin@hallestill.com

ELEM INDIAN COLONY OF POMO  
INDIANS, a federally recognized Indian tribe,  
  
Plaintiff,  
  
v.  
  
PACIFIC DEVELOPMENT PARTNERS X,  
LLC, a South Carolina limited liability  
company; et al.,  
  
Defendants.

**No. C-09-01044 CRB**

**STIPULATION REGARDING BRIEFING  
SCHEDULE AND TO CONTINUE THE  
INITIAL CASE MANAGEMENT  
CONFERENCE AND ALL OTHER DATES  
AND DEADLINES, AND ~~[PROPOSED]~~  
ORDER**

IT IS HEREBY STIPULATED AND AGREED between and among the parties to this action, by and through their respective undersigned attorneys, as follows:

1. The complaint in this action was filed after the initiation of an arbitration proceeding. The complaint seeks a declaratory judgment that the contract on which the arbitration was based is void, and injunctive relief preventing the arbitration from going forward. Pursuant to agreement between and among the parties, that arbitration is being held in abeyance pending a ruling from this Court on the cross-motions

1 for summary judgment referred to below.

2 2. It would facilitate the just, speedy and inexpensive resolution of this matter for the Court to  
 3 resolve this matter through cross-motions for summary judgment, and the remaining parties (the complaint  
 4 already has been dismissed pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i) as against defendant American  
 5 Arbitration Association, Inc.) presently do not believe that any discovery is required in order to enable such  
 6 motions to be filed (although each party reserves its rights in the event that discovery on one or more  
 7 particular points later appears to be necessary).

8 3. The following briefing schedule should apply to the filing and hearing of cross-motions for  
 9 summary judgment:

10	Deadline for plaintiff to file motion .....	April 3, 2009
	Deadline for defendants to file opposition and cross-motion .....	May 1, 2009
11	Deadline for filing plaintiff to file a reply and an opposition to the cross-motion ....	May 15, 2009
	Deadline for defendants to file a reply in support of the cross-motion .....	May 29, 2009
12	Hearing date (subject to availability of the Court) .....	June 12, 2009

13 4. It would facilitate the just, speedy and inexpensive resolution of this matter for the Court to  
 14 continue all other dates and deadlines in this case, including the time for the remaining defendants to file  
 15 an answer to the complaint, the Initial Case Management Conference, the deadline for compliance with  
 16 ADR L.R. 3-5, and the deadline for compliance with Fed. R. Civ. P. 26(a) and (f), until such later date(s)  
 17 as this Court may order if it perceives a need for further proceedings in this case after ruling on the cross-  
 18 motions for summary judgment.

19 Respectfully submitted,

20 KARSHMER & ASSOCIATES

HALL, ESTILL, HARDWICK, GABLE, GOLDEN & NELSON, P.C.

21  
 22 /s/ Mark St. Angelo  
 Mark St. Angelo  
 23 Attorneys for Plaintiff  
 Elem Indian Colony of Pomo Indians

/s/ Timothy W. Bergin  
 Timothy W. Bergin  
 Attorneys for Defendants  
 Pacific Tribal Partners, LLC  
 Pacific Development Partners X, LLC

24  
 25  
 26 Dated: 31 Mar 09

Dated: March 31, 2009

**ORDER**

Pursuant to stipulation, IT IS SO ORDERED.

Dated: April 3, 2009

Hon. CHARLES R. BREYER  
United States District Court  
Northern District of California

